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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,442	05/19/2005	Stina Roth	01-4975-119	8832
21839	7590	04/18/2008	EXAMINER	
BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404				POHNERT, STEVEN C
ART UNIT		PAPER NUMBER		
		1634		
NOTIFICATION DATE		DELIVERY MODE		
04/18/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

**Attachment to Advisory**

**Continuation of box 5:**

The 112-2<sup>nd</sup> paragraph rejection has been withdrawn as the claims now have a last active step of detecting and identifying a bacterial species. Further antecedent basis has been corrected.

**Continuation of box 11:**

The request for reconsideration has been considered but does not place the application in condition for allowance for the reasons of record.

The response of 3/5/2008 has traversed the objection to claim 5, but presented no new arguments. The objection is thus maintained for reasons of record.

The response of 3/5/2008 has traversed the 102 rejection based on Huang and all the 103 which use Huang as a primary reference. The response asserts that deletion of the "functional fragments" from the independent claim has overcome the instant rejections. These arguments have been thoroughly reviewed but are not considered persuasive as the amended claims still recite, "complementary sequences." The final action of 11/5/2007 stated, "It is noted that the instant specification does not define or teach a specific percent identity required in a complement and thus a single nucleotide is sufficiently complementary." Thus Haung still anticipates claims 1-2 and 4 and in combination with the cite references renders claims 3, 5, 7-10, 13, 23 and 24 obvious by teaching of sequences that have at least one base that is complementary to the claimed SEQ ID NO.

The rejections thus are maintained.

### **Conclusions**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven C. Pohnert whose telephone number is 571-272-3803. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven Pohnert

/Ram R. Shukla/  
Supervisory Patent Examiner, Art Unit 1634